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Alisha Flintrop-Mathis

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Alisha Flintrop-Mathis

2/5/07

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of )  
Takeshi Tokumaru, et al. )  
Title: ) Examiner: Thomas N. Moulis  
Fuel Return Device for Internal )  
Combustion Engine ) Art Unit: 3747  
Serial No.: 10/524,336 ) Confirmation No.: 6943  
Filed On: February 11, 2005 ) (Our Docket No. 5616-0098WOUS)

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION OF TAKESHI SETO  
PURSUANT TO 37 CFR §1.131

I, Takeshi Seto of Fujisawa-shi, Kanagawa, Japan, do hereby declare under penalty of perjury the following statements to be true to the best of my knowledge:

1. As a named inventor on the above-identified application, I declare that the invention disclosed therein, of a fuel return device (and related method) for an internal combustion engine for recovering surplus fuel supplied to the internal combustion engine simultaneously from a plurality of fuel tanks, and returning the recovered fuel to the respective fuel tanks, comprising residual amount detecting means for detecting residual amounts of fuel the respective tanks, and fuel return distribution adjusting means for adjusting a distribution of fuel returning to the respective fuel tanks, in accordance with

values detected by the residual amount detecting means, in such a manner that the residual amounts of fuel inside each of the fuel tanks are approximately equal, was conceived of by Takeshi Tokumaru and myself prior to August 5, 2002.

2. In evidence of the above declaration of prior conception, a copy of an invention report, submitted by Takeshi Tokumaru and myself to the Intellectual Property Department of Isuzu Motors Limited, is enclosed herewith. The preparation and submission of this report took place in Japan. The names of Takeshi Tokumaru and myself, our seals, and the submission date of September 27, 2001 appear on the first page of the invention report. Also on the first page of the invention report is the receipt stamp by the Intellectual Property Department, indicating the invention report was officially received by the Intellectual Property Department on October 3, 2001.
3. Embodiments of the residual amount detecting means of our invention are depicted at least in the Figures on the fourth page of the invention report (which Figures substantially correspond to Figures 1 and 2 of the current U.S. application), and described at least in paragraph (4) on page 2. An accurate translation of this portion of the invention report is also enclosed herewith.
4. Embodiments of the fuel return distribution adjusting means are depicted at least in the Figures on the fourth page of the invention report, and described at least in paragraphs (3) and (4) on page 2. An accurate translation of this portion of the invention report is also enclosed herewith.
5. The reduction to practice of our invention, at least in the form of the preparation and filing of a patent application, was diligently pursued from at least as early as July 8, 2002 until a Japanese patent application was filed for our invention on August 13, 2002. In evidence of this diligence, a separate declaration by an attorney of the firm Kinutani and Associates (which firm prepared the application on behalf of Isuzu Motors Limited) is also enclosed herewith.

Application No.: 10/524,336  
Office Action dated: September 7, 2006

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Takeshi Seto

Takeshi Seto

January 26, 2007

(Date)